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1 – Hurricane Harvey report seeks to 'future-proof' Texas from climate change without saying so directly, Dallas Morning News, 12/13/18

<https://www.dallasnews.com/news/climate-change-1/2018/12/13/hurricane-harvey-report-seeks-future-proof-texas-climate-change-without-saying-directly>

To protect itself from the next major hurricane, Texas will have to build storm-surge barriers, shore up wetlands, buy out residents who live in vulnerable areas, rethink development plans and raise the first floors of existing buildings, suggests a sweeping report prepared for Gov. Greg Abbott and released Thursday.

2 – Bella Vista officials look for help to put out fire, Northwest Arkansas Democrat-Gazette, 12/14/18

<https://www.nwaonline.com/news/2018/dec/14/bella-vista-officials-look-for-help-to-/>

Officials hope to learn today what can be done to extinguish an underground fire burning for more than four months and polluting the air. Heinz Braun with the Arkansas Department of Environmental Quality said Thursday the federal Environmental Protection Agency would bring in experts today to best determine how to fight the fire. Braun was in Bella Vista on Thursday.

3 – Waste pits disposal new concern for watchdogs, Baytown (TX) Sun, 12/14/18

http://baytownsun.com/news/article_4bfc34ee-ff4b-11e8-9b83-633de5927073.html

As the U.S. Environmental Protection Agency and potentially responsible parties finish up field work for Phase 1 of the predesign investigation out at the San Jacinto River Waste Pits, environmental watchdogs want to know where the toxic materials will be transported once it's removed from the river.

4 – Revised Clean Water Rule leaves out most of NM's waterways, NM Political Report, 12/13/18

<https://nmpoliticalreport.com/2018/12/13/revised-clean-water-rule-leaves-out-most-of-nms-waterways/>

Under the new rule issued Tuesday, almost 60 percent of the waterways and wetlands nationwide would no longer be protected under the Clean Water Act. The new rule says streams that flow only in response to snowmelt or rainfall—"ephemeral" streams—would not be protected. It also questions removing protections from "intermittent" streams, or those that have a baseflow from groundwater recharge, but may not run above-ground throughout the entire year.

5 – WOTUS today and WOTUS tomorrow, Politico, 12/13/18

<https://www.politico.com/newsletters/morning-energy/2018/12/13/wotus-today-and-wotus-tomorrow-454536>

As water experts dig into the details of the Trump administration's proposed Waters of the U.S. rule, it's not just the outlines that are becoming clear — but also the different directions the administration could go when it issues a final rule next year.

6 – Udall, Heinrich Announce More Than \$35 Million To Improve Rural Water Infrastructure In New Mexico, New Los Alamos (NM) Daily Post, 12/13/18

<https://www.ladailypost.com/content/udall-heinrich-announce-more-35-million-improve-rural-water-infrastructure-new-mexico>

U.S. Senators Tom Udall (D-N.M.) and Martin Heinrich (D-N.M.) announced \$35.4 million in funding from the U.S. Department of Agriculture (USDA) Rural Development to build and improve rural water and wastewater systems in New Mexico.

7 – AG protests Entergy pact to shutdown Arkansas coal plants, asks state regulators to intervene, Talk Business & Politics, 12/14/18

<https://talkbusiness.net/2018/12/ag-protests-entergy-pact-to-shutdown-arkansas-coal-plants-asks-state-regulators-to-intervene/>

Just weeks after an agreement between Entergy Arkansas and a coalition of environmental groups was reached to shut down two of the state's oldest coal-fired power plants, state Arkansas Attorney General Leslie Rutledge on Thursday (Dec. 13) asked state regulators to delay or halt that historic pact.

8 – *Something's* happening on the endangerment finding. But what?, E&E News, 12/14/18

<https://www.eenews.net/climatewire/stories/1060109605>

Last week, as EPA proposed its replacement for the Obama-era carbon rule for new and modified power plants, the agency added a footnote calling for input on the 2009 determination that greenhouse gases endanger public health and welfare.

9 – With special gear and righteous anger, activists document emissions in the Permian oil fields, Dallas Morning News, 12/14/18

<https://www.dallasnews.com/business/energy/2018/12/14/activists-building-case-oil-gas-emissions-permian-basin>

Environmental activist Sharon Wilson knows what she's likely to get from her regular trips to the Permian Basin: a headache and sore throat from the fumes and a dark mood from the bleak industrial landscape. Still, she returns, armed with more than \$100,000 worth of camera equipment and righteous anger over what few people see in the heart of the U.S. oil industry

10 – No. 2 gas-producing state moves to curb air pollution, AP, 12/43/18

https://www.ktbs.com/news/national/no-gas-producing-state-moves-to-curb-air-pollution/article_6ade93ba-4980-5a29-b161-07fe136b137a.html

Pennsylvania is aiming to curb air pollution and greenhouse gas emissions from its vast natural gas exploration fields, with the governor's administration proposing new regulations Thursday even as the Trump administration moves to relax federal requirements.

11 – Oil well leak cleaned up in southeast Oklahoma City, The Oklahoman, 12/13/18

<https://newsok.com/article/5617685/oil-well-leak-cleaned-up-in-southeast-oklahoma-city>

Vandalism may be the cause of an oil leak that kept firefighters and environmental crews busy at a well site late Wednesday in southeast Oklahoma City, authorities reported.

12 – Legislation aims to promote green infrastructure, E&E News, 12/14/18

<https://www.eenews.net/eedaily/stories/1060109609>

A bipartisan group of lawmakers this week introduced legislation aimed at getting EPA to promote what they call green infrastructure. The bill would require EPA to promote the use of green infrastructure for planning purposes, research, technical assistance and funding guidance. It would amend the Federal Water Pollution Control Act to create an integrated planning process for contamination.



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CLIMATE CHANGE 14 HRS AGO

Hurricane Harvey report seeks to 'future-proof' Texas from climate change without saying so directly



Anna Kuchment, Science writer

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Updated at 2:15 p.m and 4:50 p.m.: Adds comments from Gov. Greg Abbott's news conference, additional interviews and background.

To protect itself from the next major hurricane, Texas will have to build storm-surge barriers, shore up wetlands, buy out residents who live in vulnerable areas, rethink development plans and raise the first floors of existing buildings, suggests a sweeping report prepared for Gov. Greg Abbott and released Thursday.

The recommendations come from Abbott's Commission to Rebuild Texas, led by Texas A&M Chancellor John Sharp. In September 2017, in the aftermath of Hurricane Harvey, Abbott charged Sharp with the task of rebuilding Texas "ahead of schedule, under budget and with a friendly

"The enormous toll on individuals, businesses and public infrastructure should provide a wake-up call underlining the *urgent* need to 'future-proof' the Gulf Coast — and indeed all of Texas — against future disasters," the study says. The investigation, based on hundreds of hours of interviews and dozens of scientific papers, is wide in its scope, covering issues as broad as the need to streamline emergency response and as specific as the need to improve oversight and availability of contractors.

While the report, "Eye of the Storm," takes into account findings from climate scientists, including that sea levels are rising and storms are becoming more frequent and severe, nowhere does it explicitly mention climate change or its main underlying cause, the burning of fossil fuels.

Asked about this at a news conference Thursday, Abbott responded that "what this report does is to make sure that Texas is prepared to deal with intense disasters of any nature."

Pressed further by a reporter about whether he thinks man-made climate change has played a role in Texas' weather disasters, Abbott said, "Listen, I'm not a scientist. Impossible for me to answer that question."

Texas A&M's Sharp told The Associated Press that there was no discussion about leaving the terms climate change or global warming out of the report. But he, too, declined to blame global warming for Texas's intensifying weather.

"I don't know," Sharp said. "It looks like something's changing but I'm not sure I'm a good enough scientist to know what it is. I leave it in their hands."

Here are six main takeaways from the report:



A man headed back into the flooded Pearland Acres Mobile Home Community to help rescue and save residents' belongings in rural Pearland on Aug. 27, 2017. (Tom Fox/Tom Fox)

Harvey's toll: Harvey was the second-costliest storm in U.S. history after Hurricane Katrina in 2005. Harvey devastated a New Jersey-sized swath of Texas and caused at least \$125 billion in damage. About 12,700 structures were destroyed, 39,000 people forced into shelters, and more than 10,000 students displaced from their schools.

'Loading the dice': Climate change could make hurricanes more devastating, scientists say.

Your home, elevated: Studies have found that raising the first floor of homes and other structures above the level that floodwaters are expected to reach in either 100 or 500 years — known as "freeboarding" — is "the most effective of all mitigation strategies in terms of avoiding flood damage to residential structures." While expensive — the approximate cost of elevating a 2,000-square-foot house is between \$890 and \$4,470 per foot, according to the report — it pays off by avoiding more expensive flood losses later.

Climate change to bring North Texas longer droughts, heavy rains, 120-degree temps within 25 years

Buyouts: The report recommends identifying properties in high flood-risk areas and offering to buy out owners or relocate them. Participation in the program would be voluntary.

The Federal Emergency Management Agency already runs the largest buyout program in the country. It puts up 75 percent of the needed funds and requires a 25 percent match from the local government. The land acquired through such a buyout cannot be redeveloped but must be used for wetland restoration, a wildlife refuge or another purpose specified by FEMA.

"Buy-outs and open space protection in vulnerable areas will be an important component of any effective flood risk reduction strategy in Texas," the report notes.

Protecting wetlands: "One of the worst consequences of coastal development is the loss of naturally occurring wetlands, which reduce flooding by storing and slowly releasing accumulated runoff," says the report. It suggests the state and local communities could protect and expand wetlands through buyout programs and by limiting development along coastal areas.

"Coastal spine": Texas A&M University at Galveston has proposed a storm surge barrier it calls the "coastal spine." To be composed of a 57-mile-long land barrier and two 22-foot-high movable gates, it would be built to protect residential and industrial areas in Galveston Bay and the Houston Ship Channel.

The total cost would be around \$8 billion, but the report indicates annual costs are lower than the benefits of avoiding damage. "Changing environmental and human conditions are creating a situation in which the economic impact of storms hitting Texas will rise exponentially," the report states. Doing nothing would be far more costly, it says.

Elena Craft, a toxicologist and expert on climate and health at the Environmental Defense Fund, criticized the report for reading like "a new budget request for Texas A&M." The study gives short shrift to projects at other universities, such as the Hurricane Harvey Registry organized by Rice University, the Environmental Defense Fund, surrounding counties and the

As the world burns: Dallas and other cities must save us from ourselves

The 'C' word: Do a keyword search on the 176-page report and you'll find no mention of "climate change" or "global warming," except in end notes.

Yet the study acknowledges that sea levels are rising and that storms may become more frequent and severe. Abbott's favored term for protecting Texas — "future proofing" — is known more commonly as "climate change adaptation."

"It's like writing a report on starvation and not mentioning food," said Andrew Dessler, a professor of atmospheric sciences at Texas A&M who was not involved in the report. "They really twist themselves into pretzels to avoid talking about it."

Austin Bureau Chief Robert T. Garrett contributed to this report.

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CLIMATE CHANGE SCIENCE AND MEDICINE

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Bella Vista officials look for help to put out fire

by Mike Jones | Today at 1:08 a.m.

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File Photo/NWA Democrat-Gazette/BEN GOFF Smoke rises Aug. 2 from an underground fire at the former 'stump dump' site on Trafalgar Road in Bella Vista.

BELLA VISTA -- Officials hope to learn today what can be done to extinguish an underground fire burning for more than four months and polluting the air.

Mayor Peter Christie was notified in a text message from Fire Chief Steve Sims on Thursday state and federal officials and contractors would be at an old stump dump site today to explore options to put out the fire. Heinz Braun with the Arkansas Department of Environmental Quality said Thursday the federal

Environmental Protection Agency would bring in experts today to best determine how to fight the fire. Braun was in Bella Vista on Thursday.

Tips To Follow

Whenever it is possible, sensitive individuals should consider spending less time in the area when they can see smoke in the air. When smoke or strong odors are present, people in the area may protect themselves by taking the following actions:

- If it looks smoky outside, it's a good idea to limit exertion (running, yardwork, playing) during outside activity.
- Run your heating, ventilation and air conditioning system and keep your air filter clean.
- If you have asthma or other lung diseases, you should follow your doctor's directions or asthma management plan.
- If you have heart or lung disease, if you are an older adult, or if you have a child, talk with your doctor about whether or when you should leave the area.

Source: Arkansas Department of Health

The fire along Trafalgar Road is on a site where the Bella Vista Property Owners Association operated a stump dump for about 13 years. Fire Department personnel have said the fire may be burning more than 50 or 60 feet underground.

Eric Smith, assistant fire marshal with Benton County, said cracks and fissures in the ground allow air to get to an underground fire and keep it smoldering. Benton County doesn't have jurisdiction in the Bella Vista fire, he said.

Using water to put out the fire is risky because the area is in the watershed for Lake Ann, Christie said. Letting the fire just burn out probably isn't feasible, he said.

"That would be a last resort," Christie said. "I hope there are more creative solutions. The No. 1 priority is to get the fire out. It's a difficult situation, but the EPA will come up with something. I appreciate their help."

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Mike Richmond is chief of the Engineering Services and Technology Transfer branch of the federal Office of Surface Mining Reclamation and Enforcement in Pittsburgh, Pa. He said underground coal refuse fires are usually put out by extracting the flammable material, extinguishing it and then regrading the area. An underground fire will burn as long as there's flammable material available, he said.

"Each specific fire is different because each site is different," he said of underground fires. "They can be difficult to put out."

Rogers Fire Chief Tom Jenkins said conventional firefighting methods don't work against an an underground fire.

"It's not business as usual when you have that kind of fire," he said.

The Arkansas Department of Health said Wednesday preliminary results of monitoring near the fire showed air quality in the "unhealthy" category, according to a news release. Everyone within a half-mile radius of the 8000 block of Trafalgar Road should avoid prolonged or heavy exertion outdoors.

Christopher Nelson, who lives on Harrington Drive near Trafalgar Road, said Thursday he wasn't surprised the air quality was in the "unhealthy" category on Wednesday.

"It just reaffirmed what I knew," he said as the smell of smoke hung in the air. "This is not just an air quality problem, it's a quality of life problem."

The EPA is doing air quality testing along Trafalgar Road this week. The testing, called particulate matter monitoring, measures the amount of solid and liquid droplets found in the air such as ash, dust and

smoke. The amount of particulate matter in the air provides a snapshot of air quality and how it may affect health, according to the Arkansas Department of Health.

Residents are also tracking air quality near Trafalgar Road using a system called PurpleAir. The Health Department said resident-collected data can help support the EPA findings.

Nelson said he, his wife and 4-year-old son have had respiratory problems because of the smoke in the air.

"I've got some skin in the game," he said. "I served in the Army for eight years. You don't expect something like this to happen in small town Bella Vista."

Sims said firefighters were initially dispatched to the area July 29, where they spotted smoke and what appeared to be the remains of a brush fire. The property is owned by Brown's Tree Care. There were no controlled burns listed in the dispatch log, he said, and the property owner denies burning brush.

The EPA collected 24-hour air samples from five locations around the tree care property Oct. 1 and Nov. 10. The agency tested for hundreds of chemicals associated with landfill fires potentially containing construction debris, household waste or tires. None of the air samples showed elevated concentrations of chemicals of concern in the community, according to the EPA.

The EPA also collected samples from the property and found a low level of benzene Nov. 10, according to an EPA release. The American Cancer Society says benzene is a colorless, flammable liquid with a sweet odor and it evaporates quickly when exposed to air. The chemical is a natural part of crude oil and gasoline, as well as detergents, drugs and pesticides.

Stuart Spencer, associate director of the office of air quality at the Arkansas Department of Environmental Quality, told residents at Dec. 1 meeting benzene suggests there's trash in the former dump and not just yard waste.

Curtis and Tiffany Macomber, who live near the dump site, sued Brown's Tree Care and John Does 1-3 in connection with the fire. The lawsuit was filed in Benton County Circuit Court. It claims continued smoke from the site has created a hazardous situation for the Macomers and their children. The case is assigned to Benton County Circuit Judge Xollie Duncan. Brown Tree Service hasn't filed a response to the lawsuit.

NW News on 12/14/2018

Print Headline: Officials look for help to put out fire

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Waste pits disposal new concern for watchdogs

Christopher James 6 hrs ago



As the U.S. Environmental Protection Agency and potentially responsible parties finish up field work for Phase 1 of the predesign investigation out at the San Jacinto River Waste Pits, environmental watchdogs want to know where the toxic materials will be transported once it's removed from the river.

EPA Region 6 spokeswoman Jennah Durant said information gathered from the investigation would be used to develop the remedial design for the site's selected remedy, which consists of excavating almost 212,000 cubic yards of dioxin-contaminated material for disposal.

"Crews are collecting samples of subsurface soils and sediments in and around the northern impoundments (outside the area of the temporary cap) to evaluate the stability of potential excavation areas and the strength of river bed soils for constructing a sheet pile wall (or similar structure)," Durant

said.

In addition to evaluating the stability of potential excavation areas, Jacquelyn Young, director of the Texas Health and Environmental Protection Agency, said samples would be taken to classify the waste, which would decide where the toxic material would be disposed of — either in a municipal or hazardous material landfill.

“Depending on (how the material) is characterized (will decide) where it goes once it leaves this site,” Young said at Tuesday night’s San Jacinto River Coalition meeting. “This is extremely important because we do not want this stuff ending up at a neighborhood landfill.”

For many years, the highest concentration of dioxin-laden waste was 36,000 parts per trillion, but when Hurricane Harvey hit the area, the EPA’s dive team discovered dioxin levels were over 70,000 parts per trillion, nearly two times the toxicity that was initially thought to be the highest concentration. The EPA level for a cleanup action is 30 nanograms per kilogram.

“Even though we have all this testing over time, do we really have a concise understanding of what’s in these pits? Maybe of what’s there but maybe not the concentration in toxicity, maybe not how much of it is there,” Young said. “So this part of the process and all these fine details is everything because this is literally what either could potentially let it go to a municipal landfill or what would require it to go somewhere with stricter standards.”

The EPA will ultimately decide where the toxic material will go.

"I'm told from the EPA that a municipal landfill is not an option to them, it's not acceptable to the EPA," Young said. "But going through the responsible parties' consultant's document, they want it going to a municipal landfill or a class 1 landfill."

The EPA and potentially responsible parties are currently working together on the final details on how to implement the EPA's \$115 million cleanup plan, which will utilize a cofferdam to encompass the site. The cofferdam will allow them to excavate the contaminated material in the dry.

The San Jacinto River Waste Pits are a series of toxic dioxin-filled pits along the San Jacinto River, located just north of the Interstate 10 bridge. The pits were created in the mid-1960s when International Paper's predecessor company, Champion Paper, contracted McGinnes Industrial Maintenance Corporation to dispose of toxic waste.

CLEAN WATER ACT

6 hours ago

Revised Clean Water Rule leaves out most of NM's waterways

By Laura Paskus



Laura Paskus

Waterways like Almagre Arroyo (pictured here last summer after a rainstorm) in northern New Mexico would not be protected from pollution under the Trump administration's new rule

Rachel Conn was in a state wetlands meeting Tuesday when she heard the news: The Trump administration had released its revised Clean Water Rule. For Conn, who has been working on issues related to the rule for more than 15 years, it was another twist in a legal and administrative saga that could leave most of New Mexico's streams and wetlands without clean water protections.

Under the new rule issued Tuesday, almost 60 percent of the waterways and wetlands nationwide would no longer be protected under the Clean Water Act.

(https://www.epa.gov/sites/production/files/2018-12/documents/wotus_2040-af75_nprm_frn_2018-12-11_prepublication2_1.pdf?eType=EmailBlastContent&eld=13497754-c0ff-421a-9b9c-bfbf84a17e25)

The new rule says ([https://www.epa.gov/sites/production/files/2018-12/documents/wotus_2040-af75_nprm_frn_2018-12-11_prepublication2_1.pdf?eType=EmailBlastContent&eld=13497754-c0ff-](https://www.epa.gov/sites/production/files/2018-12/documents/wotus_2040-af75_nprm_frn_2018-12-11_prepublication2_1.pdf?eType=EmailBlastContent&eld=13497754-c0ff-421a-9b9c-bfbf84a17e25)

[421a-9b9c-bfbf84a17e25](https://www.epa.gov/sites/production/files/2018-12/documents/wotus_2040-af75_nprm_frn_2018-12-11_prepublication2_1.pdf?eType=EmailBlastContent&eld=13497754-c0ff-421a-9b9c-bfbf84a17e25)) streams that flow only in response to snowmelt or rainfall —“ephemeral” streams—would not be protected. It also questions removing protections from “intermittent” streams, or those that have a baseflow from groundwater recharge, but may not run above-ground throughout the entire year.

Playas aren't protected, and neither are “closed basins”—watersheds that don't eventually drain into the ocean. In New Mexico, closed basins make up about one-fifth of the state's land area.

The news is troubling for the state's wetlands, too.

“Only 51 percent of the wetlands in the continental United States would be protected under the Trump rule,” said Conn, who is the projects director for Amigos Bravos. But the number is even lower here in New Mexico. That's because wetlands in arid places like

New Mexico often include wet meadows and slope wetlands, which are connected to groundwater, rather than surface streams.

"Here in New Mexico, water is such a critical resource, and we need to make sure what water we do have is clean," said Conn. "This rule is really, really bad for New Mexico."

NM-backed lawsuit

Tuesday's proposed rule would replace an Obama-era rule that the Trump administration repealed.

In 2015, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency finalized the Clean Water Rule, also known as the Waters of the U.S. Rule or WOTUS, as a way to clarify confusion over parts of the Clean Water Act. President Richard Nixon signed that bedrock environmental law in 1972, and it applied to what are called "navigable" waterways and their tributaries, protecting them from mining spills, wastewater and other types of pollution.

With creation of the Clean Water Rule, the federal government also protected some streams, rivers and wetlands that are "non-navigable," or don't flow throughout the entire year.

Under Gov. Susana Martinez, New Mexico fought those protections.

New Mexico was among 13 states that sued to stop the Clean Water Rule, which the two federal agencies had spent years developing, seeking comment on and finalizing.

And although state lawsuits are usually handled by the New Mexico Office of the Attorney General, under Martinez, it was the New Mexico Environment Department (NMED) and the Office of the State Engineer that sued to stop the 2015 rule.

When the states prevailed in federal court, NMED issued a press release (<https://www.env.nm.gov/documents/150827PR-OGC-WOTUSVictory.pdf>). Then-NMED Secretary Ryan Flynn was quoted saying, "I am delighted that the court has halted this rule until its serious legal deficiencies can be corrected by the courts." State Engineer Tom Blaine added, "This lawsuit is necessary to protect the New Mexico State Engineer's exclusive authority to supervise the appropriation and distribution of our State's surface and groundwater."

Flynn, who was NMED's general counsel from 2011 to 2013, and secretary from 2013 to 2016, is currently executive director of the New Mexico Oil and Gas Association. Blaine, also an appointee of Gov. Susana Martinez, is still State Engineer.

A few months later, the Sixth Circuit Court of Appeals applied a nationwide stay of the rule, and two months into his presidency, Donald Trump signed an executive order (<http://nmpoliticalreport.com/2017/03/01/trump-orders-review-of-water-rule-en/>), directing the two federal agencies to issue a final review of the rule.

Future courses

NM Political Report reached out to the transition team for Gov.-elect Michelle Lujan Grisham, asking her thoughts on the Trump administration's new rule.

"This proposed rollback of Clean Water Act protections is deeply troubling," said Dominic Gabello, transition director. "The Governor-elect's leadership team is working to determine how the proposed rule change will affect New Mexico's water resources and how the state can compensate for the lack of responsible federal leadership."

With a new governor, the state could withdraw from the lawsuit, Conn said, and the incoming administration could direct staff to outline the negative impacts the proposed rule would have on the state's water resources during the public comment period.

"What we really want to do is stop this rule," Conn said. "But if it goes through, these are things state could do to mitigate the impacts."

New Mexico can develop its own structures to protect these waterways and wetlands, she said.


"Regardless if they are considered 'Waters of the U.S.' by the federal government, they are waters of the state and are protected by the New Mexico Water Quality Act," she said. New Mexico can change how it issues surface water permits, either working with the EPA, or set up a system similar to how groundwater pollution permits are issued.


New Mexico could also more aggressively implement its hydrology protocol, she said, and determine which of the state's waterways are perennial, intermittent and ephemeral. "The state could get out there to make sure there aren't any waters that are 'intermittent' that would be swept under the rug with all the 'ephemeral' waters that would lose protection," she said.


"These waterways are critically important not only to the communities that live right next to them, but also to the larger waterways downstream," she said, adding that even stretches of the Rio Grande now dry during certain times of the year. "The biggest waterway in our state could arguably be called 'intermittent.'"


The revised Clean Water Rule, or Waters of the U.S. Rule, is available on the EPA's website (<https://www.epa.gov/wotus-rule/step-two-revise>). The 60-day public comment period opened on Dec. 11.


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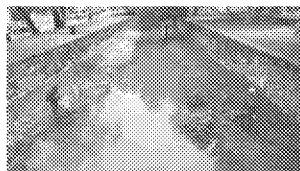
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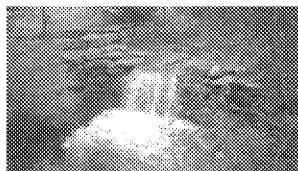
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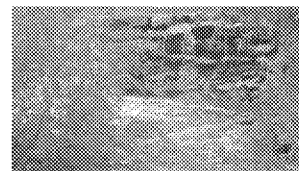
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WOTUS today and WOTUS tomorrow

By KELSEY TAMBORRINO (ktamborrino@politico.com; @kelseytam) 12/13/2018 10:00 AM EST

With help from Annie Snider and Anthony Adragna

Editor's Note: This edition of Morning Energy is published weekdays at 10 a.m.

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WOTUS TODAY AND WOTUS TOMORROW: As water experts dig into the details of the Trump administration's proposed Waters of the U.S. rule, it's not just the outlines that are becoming clear — but also the different directions the administration could go when it issues a final rule next year. The preamble to the proposal solicits comment on several specific alternatives — requests that could help fend off legal challenges to a final rule that looks significantly different from the one proposed.

Tributaries: The proposal would give Clean Water Act protection to streams that flow year-round and intermittent waterways that carry water only at certain times of year. But the EPA and Army Corps of Engineers ask commenters to weigh in on whether that definition ought to only cover perennial waterways — a change that would be a much more massive retraction in the law's protections than what EPA is now proposing. Alternately, they ask for thoughts on whether protections could be extended to water features that contribute less than intermittent flow.

Wetlands: The proposed rule issued on Tuesday would dramatically shrink the number of wetlands protected federally by covering only those that touch or have a direct surface water connection to protected rivers, streams and lakes. But the agencies are also seeking input on whether an even narrower definition that counted out wetlands that are separated from downstream waters by levees or dikes, even if they are still hydrologically connected.

Traditionally Navigable Waters: The proposal wouldn't change the definition of these waters, from which all other jurisdiction stems — even though the agencies float the possibility of doing so. EPA Water Chief David Ross is said to have had an interest in this topic prior to coming to the agency.

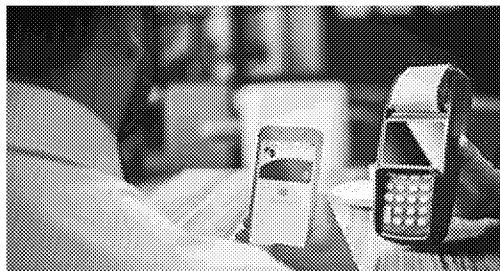
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Udall, Heinrich Announce More Than \$35 Million To Improve Rural Water Infrastructure In New Mexico

Submitted by Carol A. Clark on December 13, 2018 - 9:54am

U.S. SENATE News:

WASHINGTON, D.C. — U.S. Senators Tom Udall (D-N.M.) and Martin Heinrich (D-N.M.) announced \$35.4 million in funding from the U.S. Department of Agriculture (USDA) Rural Development to build and improve rural water and wastewater systems in New Mexico.



The awards were funded through the USDA's Water and Waste Disposal Loan and Grant program, and will help ensure clean water for Tribal lands, colonias, and rural communities with 10,000 or fewer residents in New Mexico. The funding, which includes over \$25 million in low-cost loans and more than \$10 million in grants, will support water infrastructure projects benefitting businesses and residents of four New Mexico communities: Shiprock in San Juan County, Garfield in Doña Ana County, East Pecos in San Miguel County, and the City of Socorro.

"Improving water and wastewater infrastructure is essential to the health and prosperity of rural communities across New Mexico. Smart investments like these will increase economic activity, ensure access to clean, reliable water and safeguard the health of tens of thousands of New Mexicans in Shiprock, Garfield, East Pecos and Socorro," Udall said. "The USDA has been a vital resource for rural development in New Mexico, especially for colonias and Tribes, and I'm proud that we fought hard to protect the critical programs that made these improvements possible from budget cuts. As a member of the Appropriations subcommittee that oversees USDA funding, I'll keep fighting to ensure that strong investment in our rural water systems continues long into the future."

"In New Mexico, we know that water is life. These major infrastructure investments are essential to ensuring rural and tribal communities in the state have access to clean water and waste management systems that work," said Heinrich. "Not only do improvements in water infrastructure build a more sustainable future for generations to come, they also contribute to the overall health and economic well-being of everyone living in these communities. I will continue to work to ensure water infrastructure projects remain a priority."

USDA Rural Development provided funding for the following four New Mexico projects:


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Navajo Tribal Utility Authority in San Juan County will receive \$20,795,000 in loans and \$5,250,315 in grants to build a new wastewater delivery and treatment plant. The old system exceeded the Environmental Protection Agency (EPA)'s wastewater discharge standards by releasing high rates of effluent into the San Juan River. The new facility will improve public health and help prevent future ground water contamination for approximately 8,300 residents in Shiprock, New Mexico.

Garfield Mutual Domestic Water Consumers & Mutual Sewer Workers Association in Doña Ana County will receive \$610,000 in loans and a \$2,051,300 Colonia Grant to fund extensive improvements to its existing water infrastructure. The upgraded water system will benefit 890 residents and 16 other users in Garfield and Salem, New Mexico.

East Pecos Mutual Domestic Water Users Association in San Miguel County will receive \$1,068,000 in loans and \$2,990,900 in grants to connect members of the East Pecos community, an unincorporated area in a persistent poverty county, to the wastewater system at the Village of Pecos. Currently, East Pecos residents are connected to older septic tanks, some of which fail to meet on-site wastewater regulations. The investment will fund the installation of new sewage collection lines, which will help reduce exposure to sewage and curb ground water pollution. The improvements to the East Pecos wastewater system will serve approximately 762 residents in the area.

The City of Socorro will receive \$2,725,500 in loans to make necessary repairs to its wastewater system and install a dissolved oxygen control system, which will reduce sludge production and chemical usage throughout the city. The investment will serve 2,891 residents and 282 commercial users in the area.

USDA Rural Development's Water and Waste Disposal Loan and Grant program provides funding for clean drinking water systems, sanitary waste disposal systems, and stormwater drainage for rural areas with 10,000 or fewer residents, Tribal lands, and colonias.

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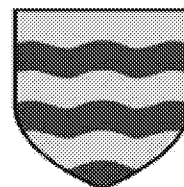
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AG protests Entergy pact to shutdown Arkansas coal plants, asks state regulators to intervene

Just weeks after an agreement between Entergy Arkansas and a coalition of environmental groups was reached to shut down two of the state's oldest coal-fired power plants, state Arkansas Attorney General Leslie Rutledge on Thursday (Dec. 13) asked state regulators to delay or halt that historic pact.

In a surprise announcement following recent news that the U.S. coal industry is rapidly declining, Rutledge said she has asked the Arkansas Public Service Commission (PSC) to review a pending settlement agreement between Entergy Arkansas LLC, the Sierra Club and the National Parks Conservation Association to shut down the utility's two coal-fired power plants near Redfield and Batesville.


Rutledge stressed that the Nov. 16 settlement agreement to speed up the closing of power plants that Entergy Arkansas co-owns with Arkansas Electric Cooperative Corp. and a number of municipally-owned electric utilities could raise rates and affect service for over 1.2 million Arkansans.

The Republican AG also said she has petitioned the U.S. District Court for the Eastern District of Arkansas to intervene in the case to protect the interest of Arkansas ratepayers and inform the federal court that Entergy's actions should first be reviewed by state regulatory authorities.

"This settlement has not been properly vetted by the (PSC), my office or other agencies that have the public's interest at heart. Because of the potential negative impacts on Arkansas citizens and businesses, I am seeking an investigation by Entergy's state regulator, the PSC, and intervention in federal court to ensure that the State's interest and those of its citizens and businesses are adequately protected," Rutledge said in a statement.

ENTERGY ARKANSAS: DEAL IS IN OUR 'BEST ECONOMIC INTEREST'

After hearing of Rutledge's claims Thursday evening, Entergy Arkansas officials countered that the Nov. 16 settlement "is in the best economic interest of our customers, our employees, our community and the company."

"It allows us to move forward with plans to replace these older generating plants with newer, highly efficient generation resources without incurring the expense of potentially adding scrubbers to the plants at the cost of \$1 billion each. The settlement also allows us to put an end to costly ongoing lawsuits over the use of coal at the plants," said Entergy Arkansas spokeswoman Kerri Jackson. **(HTTPS://TALKBUSINESS.NET/)** 

"We do not believe it would be a wise investment or in the best interest of our customers to sink \$2 billion into almost 50-year old plants. Customers are best served with an orderly transition and investment in new, more cost-efficient technology," said Case. "Any costs related to new investments to replace the generation of these plants is required to be reviewed by the (PSC) at the time it is proposed."

Under the agreement fashioned last month, Entergy Arkansas plans to end the use of coal at its sprawling White Bluff and Independence power plants in Jefferson and Independence counties, respectively. The White Bluff plant is expected to close by 2028, while the Independence Steam Electric Station will be shut down two years later.

The state's largest utility would also retire its Lake Catherine natural gas-powered facility by 2027. Both Independence and White Bluff came online in the early 1980s. The Lake Catherine facility was first commissioned in 1950, but later updated in 1970.

The Arkansas subsidiary of New Orleans-based Entergy Corp. has also said it will go before the PSC by 2022 to seek approval of 800 megawatts of renewable generating sources. By 2027, Entergy Arkansas said it also will ask state regulators to approve another 400 megawatts of renewable power, including 181 megawatts of solar power already in the utility's Arkansas portfolio.

Besides the shutdown of the state's coal-fired fleet, the settlement pact will also allow Entergy Arkansas and other Entergy Corp. affiliated subsidiaries and sister companies to settle a longstanding federal lawsuit with the Sierra Club and the National Parks Conservation. The pact also resolves multiple other challenges to federal and state Clean Air Act regulations intended to protect the air in national parks, wilderness areas and wildlife refuges across Arkansas and surrounding states.

In the original lawsuit filed in the U.S. District Court in Little Rock, the Sierra Club and other groups alleged that Entergy illegally modified the White Bluff and Independence plants without a permit, in violation of the U.S. Environmental Protection Agency's (EPA) Clean Air Act.

Rutledge's federal court filing and petition to Arkansas regulators predictably re-ignited a long-standing public feud with the Sierra Club going back to environmental group's support of former President Barack Obama's Clean Power Plan (CPP), which the Trump administration repealed in August and replaced with a more business-friendly approach that is supportive of the coal industry.

One week before the Entergy settlement with the Sierra Club was announced in early November, Rutledge joined a 21-state bipartisan coalition in support of President Donald Trump's proposed replacement of the CPP.

"The Obama-era Clean Power Plan was illegal and ignored concerns from the states about anticipated skyrocketing rate increases," Rutledge said on Nov. 8. "President Trump's Affordable
([HTTPS://TALKBUSINESS.NET/](https://talkbusiness.net/)) Clear energy rule returns power to the states by allowing them to determine the best course

of action for its own citizens, rather than a one-size-fits-all mandate from the federal government.”

RUTLEDGE ‘MISGUIDED,’ SIERRA CLUB SAYS

Glen Hooks, the longtime director of the Arkansas chapter of the Sierra Club, called Rutledge’s announcement “another misguided attempt to thwart clean air protections for Arkansans.”

“Our settlement with Entergy Arkansas responsibly transitions two of the largest and dirtiest unscrubbed power plants in the nation to retirement, while also committing to hundreds of megawatts of clean energy for our state. This settlement will mean cleaner air and more clean energy jobs right here in Arkansas,” said Hooks. “The Sierra Club urges Attorney General Rutledge to embrace Arkansas’ clean energy future. We need state leaders who will stand up for progress in Arkansas—not stand in the way.”

Nearly two years ago, the EPA released a final draft of its plan to help Arkansas and Missouri meet Clean Air Act requirements to cut about 68,500 tons of dirty sulphur dioxide emissions per year and 15,100 tons of smog-like nitrogen dioxide per year. That plan was meant to better protect national parks and refuge areas from hazy conditions, and provide other health and environmental benefits.

That proposal, however, rejected a portion of the state Department of Environmental Quality’s (ADEQ) haze plan, called Best Available Retrofit Technology, or BART. The proposed federal guidelines also addressed “downwind” haze problems from the Entergy power plants and factories that cross state lines.

ADEQ recently received notice from the EPA announcing approval of its Regional Haze state plan that replaces federal requirements at Entergy White Bluff, Independence, and Lake Catherine facilities. The state plan was the result of months of legal review and consultation with stakeholders, including the facilities within the state’s electric generating fleet. A spokesperson for ADEQ said the agency was not involved or consulted on the proposed terms of the Entergy-Sierra Club settlement agreement and that the issues in the complaint are not related to the regional haze program.

Rutledge’s protest of the Entergy-Sierra Club settlement agreement today follows recent efforts by the Trump administration to back “clean coal” initiatives in support of the fossil fuel industry. However, several utility giants such as AEP, Southern Company and Xcel have all announced plans similar to Entergy to mothballed or shutter dozens of aging coal, nuclear and older natural gas-generation power stations across the U.S.

Just last week, the U.S. Energy Information Administration said in 2018 that U.S. coal consumption in the power sector had fallen to its lowest level in 40 years. And only one, relatively small, new coal-fired generator with a capacity of 17 megawatts is expected to come online by the end of 2019, despite the EPA’s laxer guidelines.

0 comments **([HTTPS://TALKBUSINESS.NET/](https://TALKBUSINESS.NET/))**



EPA

Something's happening on the endangerment finding. But what?

Niina Heikkinen, E&E News reporter

Published: Friday, December 14, 2018



Acting EPA Administrator Andrew Wheeler announced a proposed rule last week that asks for public comments on the agency's Obama-era endangerment finding for greenhouse gases. @EPA/Twitter

EPA's detractors are worried the agency is taking a step that could weaken the cornerstone of the Obama administration's climate policy.

Last week, as EPA proposed its replacement for the Obama-era carbon rule for new and modified power plants, the agency added a footnote calling for input on the 2009 determination that greenhouse gases endanger public health and welfare.

The agency isn't seeking comment on whether such emissions harm humans, but instead is zeroing in on how much specific sources "cause or contribute" to that harm.

EPA asked whether it should consider a regulatory threshold above which emissions could be defined as causing or significantly contributing to air pollution that harms human health and welfare. The agency also requested comment on whether it should develop a new endangerment finding under Section 111(b) of the Clean Air Act for each new pollutant it regulates.

The Trump administration has spent months doggedly stripping away greenhouse gas regulations for everything from power plants to automobiles to landfills to oil wells. Hard-line conservatives have pushed the administration to go even further and open up the 2009 endangerment finding, which set the legal groundwork for the Obama EPA's climate agenda.

Those closely tracking EPA policy say this comment request — tucked at the bottom of Page 30 in Footnote 25 of last week's proposal — doesn't go that far.

But they say if EPA follows through with changes, it could slow regulation and potentially weaken the endangerment finding.

"I think what they are trying to say is that there are some source categories whose contribution to total greenhouse gas emissions is too small to justify performance standards, it's not worth the trouble of setting performance standards for this category," said Jack Lienke, regulatory policy director at New York University's Institute for Policy Integrity.

"But there is nothing in the statute to support that," he added.

During the Obama administration, EPA rejected establishing a threshold of harm for greenhouse gases.

"These Findings do not attempt to determine a quantitative threshold for a level of GHG concentrations in the atmosphere, for future policy purposes or to determine a level above which there is (or below which there is not) endangerment," the agency wrote in response to comments on the endangerment finding.

Lienke pointed out the Obama EPA had also grappled with whether it needed to draft a separate endangerment finding back in 2012 when it first proposed regulating greenhouse gas emissions from new and modified power plants.

At the time, the agency determined it had the right to regulate power plants because they were already a listed category of polluters under the Clean Air Act. EPA figured it could proceed with regulating any specific pollutant from those sources as long as it could provide a "rational basis" for doing so.

Even if EPA had been required to draft a separate endangerment finding, the agency had maintained it had the scientific backing to do so because power plants were significant contributors to greenhouse gas emissions.

EPA reconsidering?

But EPA may now be weighing a different approach, said Romany Webb, a senior fellow and associate research scholar at the Sabin Center for Climate Change Law at Columbia Law School.

"It appears that EPA may be reconsidering its previous view that an endangerment finding only needs to be made once for each source category," she said in an email.

EPA's decision to rely on one endangerment finding had generated controversy during the Obama administration. Oil and gas producers argued EPA should have been required to establish a new endangerment finding in order to control methane emissions.

While Webb declined to speculate why EPA might be considering a change, she said it could have significant implications for future regulations on greenhouse gases.

"If EPA were to conclude that a new endangerment finding had to be issued before it could regulate additional pollutants from an already-listed source, that would add another step to the regulatory process, and so could significantly slow things down," she wrote.

EPA, though, has denied it is taking comment on the endangerment finding itself and instead emphasized it is focused on whether there is a specific threshold of carbon emissions that endangers human health and welfare (Greenwire, Dec. 7).

In the footnote calling for comment, the agency stated it is planning to maintain the statutory interpretations of the Clean Air Act made by the previous administration.

"Nonetheless, the EPA is aware that various stakeholders have in the past made arguments opposing our views on these points, and the Agency sees value to allowing them to comment on these views in this rulemaking," the agency wrote.

'Much more relevant'

But in an interview last week with Bloomberg Environment, EPA air chief Bill Wehrum suggested the move was more than simply a chance for critics to voice their grievances with agency policy.

EPA wanted people to start to consider the question in relation to methane emissions from the oil and gas sector, Wehrum said. He hinted that the Trump administration thought the sector's harm to human health and welfare was more of an open question compared with power plant emissions.

"When the time comes, I'm sure we'll ask the same question in that context, but it will be much more relevant in that context because we're dealing with a smaller slice of the emissions inventory," he said in the Dec. 7 article.

Researchers, though, warn EPA there is a large body of scientific evidence backing up the need to strictly limit emissions of heat-trapping gases (E&E News PM, Dec. 13).

Lienke noted another reason beyond the science that EPA might have trouble slashing requirements for regulating greenhouse gases for new and modified sources.

The Clean Air Act requires EPA to regulate new sources under Section 111(b) in order to then regulate the typically much greater emissions from existing sources under Section 111(d). By taking a stab at new source rules, EPA could be seen as trying to undercut rules for existing sources.

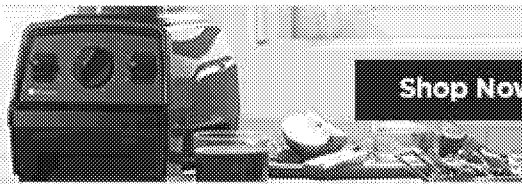
"That seems like gamesmanship that a court would frown on," Lienke said.



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ENERGY 1 HR AGO

With special gear and righteous anger, activists document emissions in the Permian oil fields



Jeff Mosier, Energy and Environment Writer

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MIDLAND — Environmental activist Sharon Wilson knows what she's likely to get from her regular trips to the Permian Basin: a headache and sore throat from the fumes and a dark mood from the bleak industrial landscape. Still, she returns, armed with more than \$100,000 worth of camera equipment and righteous anger over what few people see in the heart of the U.S. oil industry.

Wilson, a senior organizer for the environmental group Earthworks and a longtime critic of fracking, is working to prove that those invisible emissions are worse than originally thought. The impact of those gases ranges from exacerbating global climate change to polluting the air.



Mountains tower in the background as flames shoot from the flare stack of an oil production facility beside Interstate 20 in West Texas. (Ryan Michalesko/Staff Photographer)

Month after month, Wilson, 66, records infrared video of oil and gas facilities that she says are spewing methane and other hydrocarbons into the air. Some of the emissions are permitted by state law, some are forgiven as accidents and some are noted as violations.

It's a job, Wilson says, that regulators have all but abdicated. The Texas Commission on Environmental Quality has just four air monitors in the Permian Basin, which includes all or parts of 61 counties. Most emissions data is industry-reported.

Alan Septoff, an Earthworks spokesman, described the Texas approach as "drill and then regulate when possible."

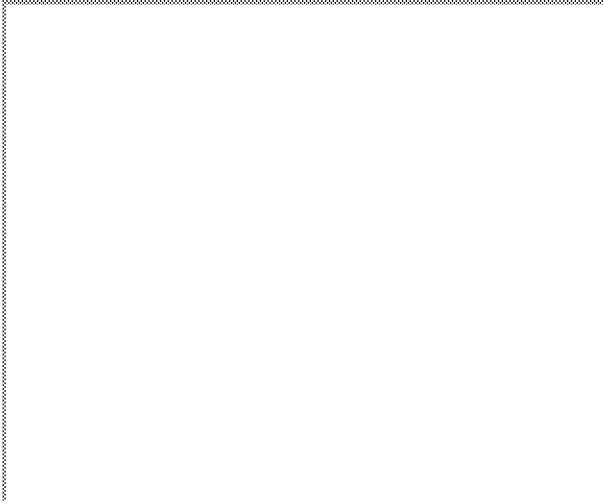
"There's no one out there trying to quantify this," he said.



Alan Septoff and Sharon Wilson take emissions readings and video at a set of oil storage tanks in Texas' Permian Basin. (Ryan Michalesko/Staff Photographer)

State environmental officials say they are effective at monitoring emissions from Texas' vast oil and gas industry.

"TCEQ utilizes a broad range of resources to enable and require the regulated universe to comply with environmental rules," agency spokeswoman Andrea Morrow said in an email.



And while Morrow said the agency does accept “citizen-collected evidence,” regulators can’t vouch for the quality of the data.

Oil and gas companies say they have made progress in reducing pollution. Mostly, industry executives acknowledge climate change as a man-made threat that needs to be addressed.

That hasn't convinced Wilson and Earthworks, who say the talk isn't backed up by action. They say they hope to persuade the public and decision-makers that the nation has stumbled in its efforts to control greenhouse gases.

With each well site, gas-processing plant and compressor station, they want to build their case for stronger regulations against an industry intertwined with Texas’ government, history and economy.

“I would argue we are at the point where rational people are increasingly considering climate change as an existential issue,” Septoff said. “Not just environmentalists.”

On the hunt

Every month or so, Wilson travels to West Texas and sometimes New Mexico with an optical gas imaging camera and tablet computer loaded with a database of oil and gas facilities.

As she drives along Interstate 20 in West Texas, burned rubber and other industrial smells occasionally seep into her black rental SUV. She drives the gas-guzzler to better to blend in and



Sharon Wilson jumps out of her black rental SUV to check for emissions from a set of oil storage tanks. (Ryan Michalesko/Staff Photographer)

Wilson returns to the same sites again and again, monitoring successes and failures at controlling accidental emissions. The facilities have permits allowing them to emit a limited amount of pollution in certain instances. It's not a blank check.

Earthworks' high-dollar FLIR GF320 camera captures black-and-white video that looks much like a negative image created with a simple smartphone app. The dramatic moments happen when the camera captures gas that can't be seen by the naked eye.



Sharon Wilson clasps a FLIR infrared camera as she prepares to record video of methane and other hydrocarbon emissions from oil storage tanks. (Ryan Michalesko/Staff Photographer)

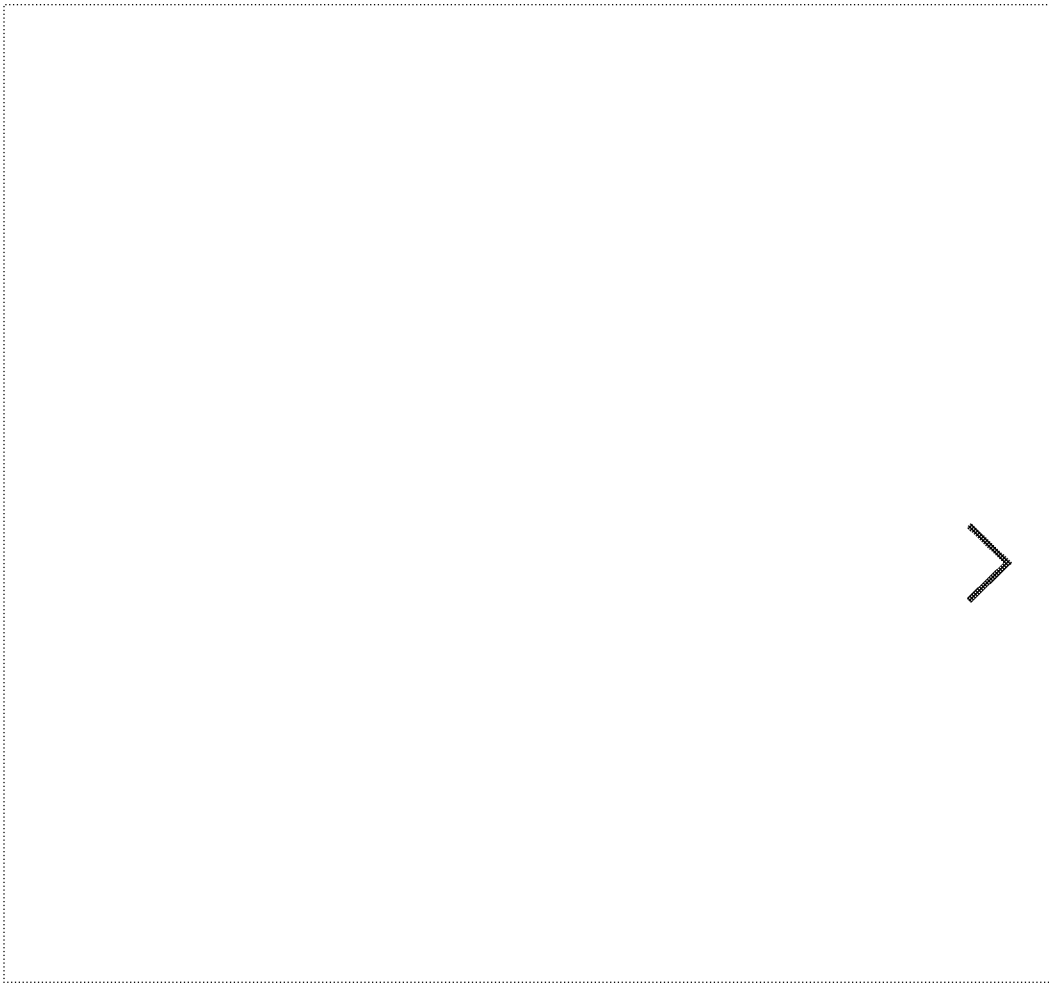
The charcoal-colored, smoke-like clouds flow from unlit natural gas flares or improperly secured storage tank "thief hatches" that are used for extracting samples. Industry representatives have argued that some emissions captured in the videos could be steam.

After two years of trips to the Permian Basin, Wilson employs a strategy that includes returning to past violators, finding the newest facilities and responding to resident complaints.

Often, the trail is obvious — the rotten-egg stench of hydrogen sulfide and ill-defined chemical smells pop up across the region.

During one trip last year, Wilson put on a respirator to shield herself from the intense fumes. The mask, however, doesn't protect against hydrogen sulfide, which, in sufficient quantities, can kill.

When she pulls over, she notes the time, geographic coordinates, name and type of facility, air temperature and wind speed. Then she starts recording.



(Ryan Michalesko/Staff F

It takes a moment for the eyes to adjust to the scene through the viewfinder and see the emissions billowing or drifting. Sometimes, there is nothing to see.

Wilson carefully notes each detail as a detective would at a crime scene. What she captures often goes onto YouTube. The videos are also posted on an Earthworks interactive map and frequently forwarded to state regulators

Septoff said sharing the videos with the public is sometimes the most effective strategy for change. He described it as “regulation by social media.”

Workers occasionally glance at Wilson and slow as they pass in their company trucks. But mostly, they pay little attention.

The beginning

Wilson started her activism while living in Wise County, the heart of the first wave of fracking. New technology, proven in North Texas’ Barnett Shale natural gas field, unleashed the current fracking revolution and allowed it to spread worldwide. The resurgence of the Permian Basin is built upon fracking.

But Wilson actually started her blog, TXsharon’s Bluedaze, as a general-purpose forum to share her thoughts on everything from oddball gifts to the Iraq war.

In the mid-1990s, she owned 42 acres and was fulfilling her dream of living in the country. She was even a mineral rights owner.

Eventually, fracking and its effects began to consume more of her time.

Wilson said her well water turned briefly to black and green goo, although she had no proof it was related to fracking. She also worried that the drilling rigs and the waste pit built near creeks were disturbing the rural atmosphere.

As a new activist, Wilson was caught up in one of the early Barnett Shale publicity battles involving the natural gas producer Range Resources, the Environmental Protection Agency and a Parker County homeowner who believed fracking had polluted his water.

Video of the homeowner’s fiery water, which Wilson posted on YouTube, was a dramatic symbol of homeowners’ fears. Her emails were subpoenaed during the subsequent litigation.

That Range Resources fight led to a lawsuit that was eventually settled without any blame being assigned to the company. The EPA backed off its initial claim that Range Resources was responsible for the water contamination.

Wilson compares the transformation of her rural life in Wise County to the experiences in the Permian Basin.

“I know what it’s like to have the night sky taken away from you,” she said. “I know what it’s like to have your water turn black.”

On her blog, Wilson described her old home as “living on the edge of a volcano.”

Now she lives in Dallas, beyond the reach of the Barnett Shale. But she travels regularly to a place she described as “magnitudes worse.”



Oil pumpjacks line the horizon just west of Penwell, near Odessa. (Ryan Michalesko/Staff Photographer)

Camera training

Wilson’s work is not without pushback.

"FLIR imaging is a valuable tool used in the initial detection of emissions; however, the technology cannot detect the type or volume of emissions nor compliance with regulations," Castlen Kennedy, an Apache Corp. spokeswoman, wrote in an email. "It is a blunt instrument and is often used improperly, leading to false conclusions."

Kennedy, who is also certified to use the FLIR camera, said her Houston-based company takes compliance issues seriously, using infrared cameras and regular on-site inspections.



Sharon Wilson, a senior organizer for Earthworks, records infrared footage of emissions from an oil production facility. (Ryan Michalesko/Staff Photographer)

Wilson points out that she took classes and was certified at the Infrared Training Center alongside oil, gas and petrochemical industry inspectors. She said anyone professionally trained with the camera can easily tell the difference between hydrocarbon emissions and steam, which she said dissipates quickly.

But Earthworks does acknowledge its limitations. The FLIR camera allows the activists to see

Activists could make detailed measurements by flying a drone with testing equipment over the facilities. But state law prohibits that.

Septoff said the growing database of videos shows that something is going wrong in the Permian Basin.

Industry associations said the reverse is true.

The American Petroleum Institute reports that U.S. methane emissions dropped nearly 16 percent between 1990 and 2016. Meanwhile, dry natural gas production is up by more than half during that same period.

And the Environmental Protection Agency announced in October that U.S. greenhouse gas emissions dropped 2.7 percent between 2016 and 2017.

All that's happening as the petroleum industry ramps up production and has hit record levels.

"During the prolific production growth we've experienced, there may at times be infrastructure and equipment shortages that can impact operators," Ben Shepperd, president of the Permian Basin Petroleum Association, said in an email. "Our member companies in production are consistently working with pipeline partners and equipment providers to resolve any issues, and as more infrastructure is developed and additional replacement equipment is available, these occurrences will diminish."

Methane leaks

The latest research on methane is backing up Earthworks' worries. About one-third of the nation's methane releases come during natural gas and crude oil production and delivery.

The Environmental Protection Agency estimates that 1.4 percent of the methane produced by industry leaks into the atmosphere. But a Colorado State University study that analyzed aerial sampling by a large team of researchers concluded that the leak rate was 60 percent higher.

The debate about how to handle climate change has ramped up in recent months thanks to a pair of reports, both bearing dire warnings.

affecting this country. The heating is straining infrastructure and worsening disasters such as droughts, wildfires and hurricanes.



Sharon Wilson holds her hat down against the wind gusts while taking emissions readings. (Ryan Michalesko/Staff Photographer)

Septoff said he realizes his efforts are an uphill battle. President Trump has said that climate change either doesn't exist or isn't serious, despite an overwhelming scientific consensus to the contrary.

But Septoff said he hopes the data that Wilson and other Earthworks employees are collecting will eventually get a hearing in Washington, D.C.

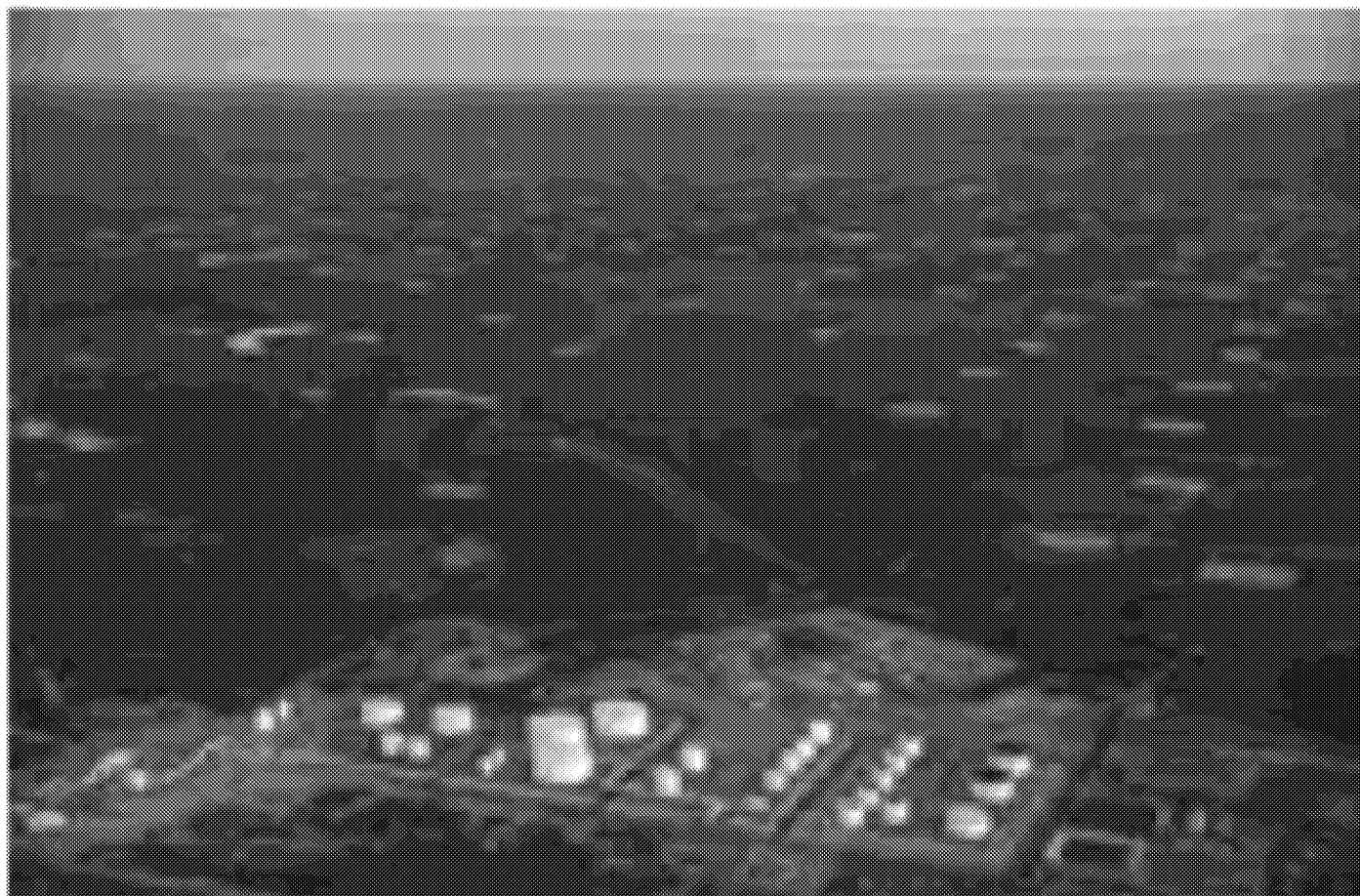
"We need a government that is telling the people that we need to shift away from fossil fuels," he said.

Wilson takes the opposite view, arguing that the public must be persuaded first.

Pressing on

Wilson's job in the Permian Basin isn't an easy one. Some oil and gas facilities have no signs identifying them, making complaints to state regulators more difficult.

In other cases, the signs are far away or difficult to see. And some sites are so far from public roads that Wilson can't get close enough to monitor them.



An oil tank farm sits in front of a production field speckled with pumpjack sites just west of Odessa. (Ryan Michalesko/Staff Photographer)

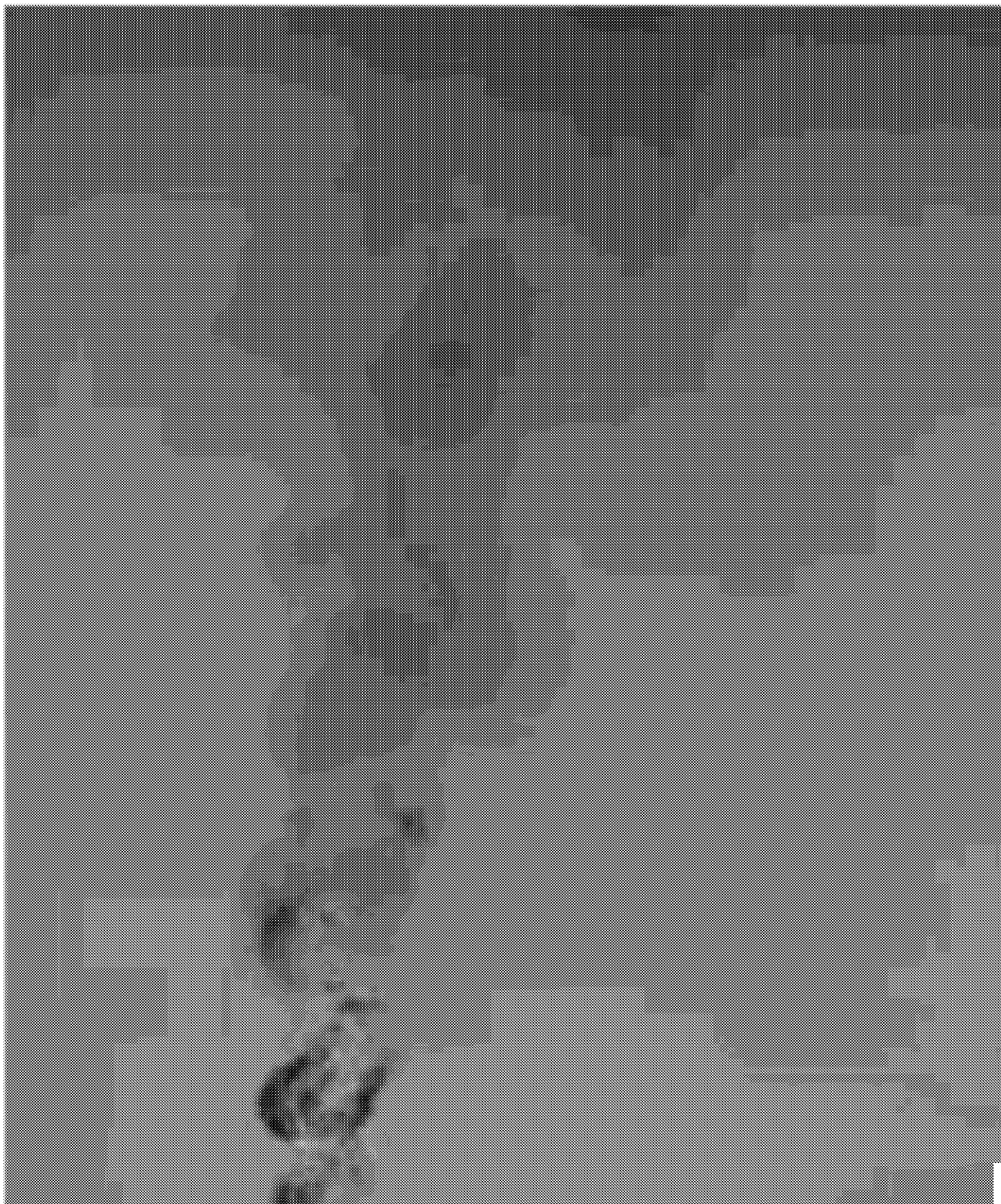
Even with those roadblocks, there seemed to be an almost unlimited number of sites to visit.

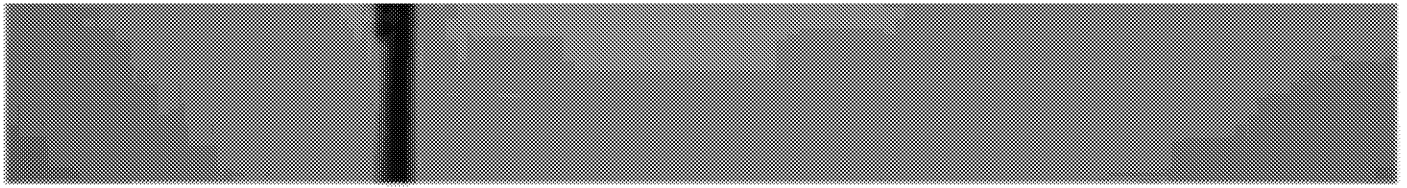
One day in early November, Wilson and Septoff pulled off to the side of a West Texas farm-to-market road after spotting a natural gas flare with black smoke streaming from the flame.

That's a sign something is wrong and evidence that a flare is polluting. It's also a violation of

~~Texas law, which says a flare can't emit more than 5 pounds of air pollutants a day.~~

In this case, it was an easy violation to spot and report. Septoff used his phone to record video of the smoking flare, while Wilson called the TCEQ to report the violation.





Black smoke streams from the flame of an oil storage tank flare stack in Texas' Permian Basin. Black smoke is a sign something is wrong and evidence that a flare is polluting. It's also a violation of Texas law, which says a flare can't smoke for more than 5 minutes in a two-hour period. (Ryan Michalesko/Staff Photographer)

This is a slam-dunk violation, although it's not one guaranteed to lead to a hefty fine. State regulators offer a lighter touch. They say their goal is to work with producers to fix problems rather than to punish them.

Wilson said she'll often file 15 or 20 complaints during her weeklong trips to the Permian Basin. In many cases, she never finds out whether any action was taken.

But she isn't deterred.

"I don't want my children to suffer the way they are going to suffer if we don't stop this," Wilson said. "I will keep fighting to make a difference as long as I can keep doing it. ... My mother said I was hard-headed. I think tenacious sounds better."



No. 2 gas-producing state moves to curb air pollution

By MARC LEVY Associated Press Dec 13, 2018 Updated 15 hrs ago

HARRISBURG, Pa. (AP) — Pennsylvania is aiming to curb air pollution and greenhouse gas emissions from its vast natural gas exploration fields, with the governor's administration proposing new regulations Thursday even as the Trump administration moves to relax federal requirements.

Gov. Tom Wolf's administration brought the proposal to a technical review committee, the first step in what could be a two- to three-year process spurred by a 2016 federal requirement that applies to states and areas that don't meet certain clean air standards.

Wolf's office said the governor, a Democrat, is committed to seeing the proposal through, regardless of what Republican President Donald Trump's Environmental Protection Agency does to weaken or repeal the 2016 Obama-era rule.

Wolf's office said the state has the legal authority to enforce its proposed rule, with or without the federal requirement.

"This process, which is just beginning, does not depend on actions by the EPA," Wolf's office said in a statement. The administration will, it said, work with "industry, organizations, and the public to understand any and all concerns that arise."

Pennsylvania is the nation's second-largest natural gas producer after Texas, and the Marcellus Shale beneath much of Pennsylvania is the nation's most prolific natural gas reservoir.

Under the 2016 rule, qualifying states are supposed to impose new emissions controls for oil and gas field sources by early 2021.

Pennsylvania's proposal would impose stronger limits on smog-forming pollutants — a 95 percent reduction on some sources, based on emissions reported in 2016 — and require companies to more aggressively search for methane leaks from equipment at existing oil and gas installations. Cutting smog-forming pollutants, called volatile organic compounds, has the added benefit of reducing methane emissions.

Environmental groups welcomed the proposal but say it should go further in imposing limits on methane emissions and should eliminate an exemption for equipment at low-producing well sites.

A gas-industry trade group, the Marcellus Shale Coalition, said it is concerned about the cost for companies to comply and urged the Wolf administration to wait until the Trump administration finalizes any proposed changes to the 2016 rule.

The oil and gas industry is the nation's primary source of methane emissions, according to the EPA, accounting for nearly one-third in 2016.

Methane is the primary component of natural gas and is one of the most potent heat-trapping pollutants, at least 25 times more powerful than carbon dioxide, the EPA says.

Earlier this year, Pennsylvania began enforcing tougher standards to reduce methane emissions and other air pollutants from new or updated equipment at well sites and on pipelines, a move environmental advocates said put the state among the leaders in going beyond federal requirements.

Colorado and California are viewed as having comprehensive regulations to reduce methane emissions. Ohio has signaled its intention to impose limits on equipment at existing oil and gas installations, and New Mexico's incoming governor has said she plans to pursue a leak-detection rule.

Oil well leak cleaned up in southeast Oklahoma City

FROM STAFF REPORTS

Published: Fri, December 14, 2018 5:00 AM

Vandalism may be the cause of an oil leak that kept firefighters and environmental crews busy at a well site late Wednesday in southeast Oklahoma City, authorities reported.

Firefighters found oil leaking from an open valve at a well site near S Byers and SE 51 that spilled into streets and onto property Wednesday night.



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spill. Skinner said authorities mopped up 25 barrels of standing oil and spread biodegradable material to soak up the rest.

Skinner said the spill caused no danger to area drinking water. The cause of the spill was an open valve, he said.

The largest amount of oil spilled was on Byers and Stiles avenues. The oil was spread throughout the area by vehicles that drove through it, said fire Capt. David Macy.

The well is owned by White Operating Co. of Oklahoma City. White Operating President Lloyd White said he suspects vandals are responsible for the spill.

White said two valves were opened to cause the spill, including one behind a locked fence. He also said there is evidence someone improperly entered the fenced-in area.

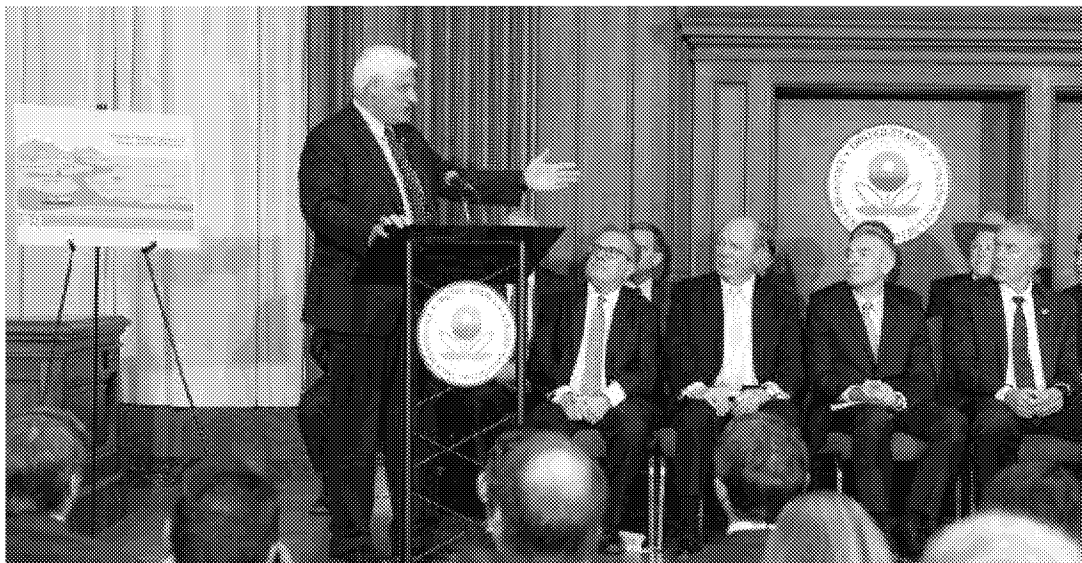
Firefighters and a hazardous materials crew built temporary dams with dirt to slow the progress of the spill. Representatives from the state Department of Environmental Quality and city street crews assisted.

WATER POLICY

Legislation aims to promote green infrastructure

Cecelia Smith-Schoenwelder, E&E News reporter

Published: Friday, December 14, 2018



Rep. Bob Gibbs (R-Ohio) speaking at EPA headquarters this week. Gibbs/Facebook

A bipartisan group of lawmakers this week introduced legislation aimed at getting EPA to promote what they call green infrastructure.

According to **H.R. 7279** from Rep. Bob Gibbs (R-Ohio), green infrastructure is "the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters."

The bill would require EPA to promote the use of green infrastructure for planning purposes, research, technical assistance and funding guidance. It would amend the Federal Water Pollution Control Act to create an integrated planning process for contamination.

The integrated plan under the bill, titled the "Water Infrastructure Improvement Act," would address sewer overflow, stormwater discharge and municipal water releases. The plan could include implementation of projects for green infrastructure or for reclaiming, recycling or reusing water.

Co-sponsors include Reps. Grace Napolitano (D-Calif.), Marcia Fudge (D-Ohio), Bob Latta (R-Ohio), Cheri Bustos (D-Ill.) and Steve Chabot (R-Ohio).

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